

Guidelines for Stream Cleaning
NJ Department of Environmental Protection
Division of Land Use Regulation
Revised May 1, 2012

Major stream cleaning activities in New Jersey's streams and rivers require permits pursuant to the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13). However in some instances, stream cleaning activities can be conducted without the need to obtain either permit.

1. The following activities may be conducted without the need to obtain either a Flood Hazard Area Permit or a Freshwater Wetland Permit.
 - i. Hand removal and desnagging of tree limbs and other debris that are obstructing flow.
2. Activities that are authorized by a Flood Hazard Area Permit by Rule (See N.J.A.C. 7:13-7.2(a)5 and N.J.A.C. 7:13-7.2(d)3) and don't require a Freshwater Wetland Permit provided that Freshwater Wetlands and/or Transition Areas are not disturbed for access:
 - i. The use of machinery to remove a major obstruction from a regulated water that can not be removed by hand, such as a fallen tree, abandoned vehicles, furniture and other large debris provided:
 - a) The timing restrictions set forth at N.J.A.C. 7:13-10.5(d) are observed.
 - b) No live trees are disturbed in the riparian zone of the stream.
 - c) The machinery is situated outside of the stream where possible.
 - d) No fill or accumulated sediment is removed from the stream.
 - ii. Removal of sediment around bridges, culverts and stormwater outfalls along a public roadway and/or on public property provided:
 - a) Heavy machinery is not used;
 - b) No trees are removed;
 - c) Sediment removal is limited to within 100 feet from the structure;
 - d) The timing restrictions set forth at N.J.A.C. 7:13-10.5(d) are observed;
3. Activities conducted by a public entity may qualify for a Flood Hazard Area General Permit One (N.J.A.C. 7:13-8.3) or a Freshwater Wetland Permit General Permit 26 (N.J.A.C. 7:7A-5.26), if the project consists of:
 - i. The removal of accumulated sediment and silt from a water body with a natural bed, provided:
 - a) The water body is no more than 15 feet wide;
 - b) The work is limited to less than 500 feet in length;
 - c) The water is NOT classified as Pinelands, C-1 or documented habitat for T&E;
 - ii. Desnagging, removal of debris and garbage from any channel or the removal of any accumulated material from a channel previously lined with concrete or similar material.
 - a) There are no limits on stream width or length of work area for these activities.

Please be advised that if a FWWGP26 is obtained, then the FHAGP1 is not required.

The removal of accumulated sediment and silt from a water body does not require a Freshwater Wetland Permit unless freshwater wetlands or transition areas are disturbed for access to the water. However, if sediment has accumulated to the point that vegetation is growing in it, the area may have become freshwater wetlands and a Freshwater Wetlands Permit may be required. Please contact the Division for additional guidance as needed.

All other stream cleaning activities will require an individual permit under the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-9.1. If any activities not discussed above will be conducted in wetlands or wetland transition areas an individual permit may be required under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-7.1. For more information please consult the rules to read the above citations in their entirety. If you have any questions, you may also contact the Division of Land Use Regulation Technical Support Center at (609) 777-0454.